



HEADQUARTERS
NORTH CAROLINA WING CIVIL AIR PATROL
United States Air Force Auxiliary
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22 Jan 05

MEMORANDUM FOR Commanders, Pilots and Stan/Eval members

FROM: Maj Richard G. Augur, DO

SUBJECT: NC Wing FCIF 05-6: TSA Requirements for Flight Training (with attachment)

1. The attached memorandum titled "Order Ensuring Compliance with 49CFR part 1552..." outlines CAP policies and procedures for conducting flight training.
2. Any CAP member commencing "flight training" as defined in part "C" of the memorandum on or after 20 Oct 04 must comply with part "D. ORDER" of the memorandum.
3. CAPR 60-1, para 3-6 allows for "CAP Pilot Flight Training Leading to an Additional Airman Rating or Certificate". In addition to the requirements of the NHQ Memorandum, NC Wing members will comply with the following requirements:
 - A. Prior to commencing flight training IAW CAPR 60-1, para 3-6(a) the CAP Instructor will forward a copy of the following logbook endorsements to the NCWG/ADO and NCWG/DOV
 - i. CAP instructor pilot's logbook endorsement
 - ii. CAP student pilot's logbook endorsement
 - B. Prior to commencing flight training IAW CAPR 60-1, para 3-6(b) the CAP Pilot will request approval to receive the training via the CAPF 2a. The CAPF 2a, Part II, Duty Assignment/Status Change will be annotated in the "To" section with "Flight Training (Instrument)". The CAPF 2a will be processed up the chain of command to the NCWG/DO. Once the training is approved by the NCWG/CC the "student" will be notified and prior to commencing flight training IAW CAPR 60-1, para 3-6(b) the CAP Instructor will forward a copy of the following logbook endorsements to the NCWG/ADO and NCWG/DOV
 - i. CAP instructor pilot's logbook endorsement
 - ii. CAP student pilot's logbook endorsement
 - C. Prior to commencing flight training IAW CAPR 60-1, para 3-6(c) or (d) the CAP Instructor will forward a copy of the following logbook endorsements to the NCWG/ADO and NCWG/DOV
 - i. CAP instructor pilot's logbook endorsement
 - ii. CAP student pilot's logbook endorsement

Richard G. Augur, Maj, CAP
Director of Operations



OFFICE OF THE NATIONAL COMMANDER
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MEMORANDUM FOR ALL UNIT COMMANDERS 14 January 2005

FROM: CAP/CC

SUBJECT: Order Ensuring Compliance with 49 CFR part 1552 - Alien Flight Student
Registration and Security Awareness Training

CAVEAT: Much of this paper is background, rendered sequentially. You may want to start by reading "PART D. ORDER" before reading the rest.

A. BACKGROUND

1. A new Transportation Security Administration (TSA) regulationⁱ (Hereinafter the "new TSA regulation.") requires certain actions by individuals and organizations that provide flight instructionⁱⁱ in powered aircraftⁱⁱⁱ. Those required actions include: (a) documentation of proof of citizenship or registration by aliens and others with the TSA, (b) ongoing security awareness training.
2. The new TSA regulation was issued on short notice and without opportunity for public comment. On behalf of CAP, I petitioned TSA to suspend the October 20, 2004 compliance deadline, stating:

The rule is lengthy, complicated, and difficult to understand and apply, especially with respect to CAP's operations conducted by and for volunteers, many as young as 14 years old. CAP requests this suspension to permit time to analyze and evaluate the requirements imposed by the regulation and ascertain what is needed to ensure compliance.

3. CAP's General Counsel and Counsel to the Commander met with TSA on November 23, 2004 to consider application of the new TSA regulation to CAP's operations, specifically: flight encampments, cadet orientation flights, upgrade training, check rides, instrument proficiency checks, and flight reviews. TSA confirmed that the CAP itself is *not* a "flight school" under the new TSA regulation. However, a Certified Flight Instructor (CFI) providing "flight training" is a "flight school"^{iv}.
4. This letter provides direction to CAP's CFIs and other personnel to ensure compliance with the new TSA regulation.

B. APPLICATION

5. The new TSA regulation and this CAP order apply only to "flight training" in powered aircraft of students enrolling on or after October 20, 2004.^v

6. CAP's order below governs CAP activities and members engaged in CAP activities so as to ensure compliance with TSA regulations while acting as CAP members. It is not intended to impact members flying in their own aircraft on a non-CAP activity. CFIs are encouraged to obtain counsel to ensure they are in compliance with the new TSA regulation when flying on non-CAP activities. Websites maintained by the Aircraft Owners and Pilots Association (AOPA at http://www.aopa.org/tsa_rule/) and the National Association of Flight Instructors (NAFI at <http://www.nafinet.org/>) may provide helpful information.

C. FLIGHT TRAINING

7. "Flight training" is specially defined by the new regulation^{vi} however, a TSA letter dated October 19, 2004 clarified the term, providing that under this regulation, "flight training" refers only to flights which the person instructed "could use toward a new airman's certificate or rating. [*Underline added.*]"^{vii}

8. Specifically included in the meaning of "flight training" are:

a. Cadet flight training in powered aircraft, including flight encampments/academies and

b. Flight instruction of rated pilots that could lead to advanced ratings in powered aircraft such as instrument, commercial, or ATP.

9. Excluded from the meaning of "flight training" are:

a. Air Force Reserve Officer Training Corps (AFROTC) orientation flights including flights to and from the orientation site (See Mission Symbol A6.);

b. Cadet orientation flights flown IAW the cadet orientation flight program syllabus (See Mission Symbol C15.);

c. Cadet flights (other than flight training) such as at cadet encampments (other than flight encampments) and IACE (See Mission Symbol C16.)

d. CAPFs 5 & 91 evaluations and National Check Pilot Standardization Course and flight clinics (See Mission Symbols A7 and B17); and

e. Proficiency flights by qualified SAR/DR/CD mission pilots (not leading to an airman rating or certificate) conducted pursuant to guidelines published by HQ CAP-USA in attachments 9-1 through 9-6 of CAPR 60-1 and SAR/DR training in accordance with CAPR 60-3 (See Mission Symbol B17.);

D. ORDER

10. Until further notice, in order to comply with the new TSA Regulation^{viii}, with respect to flight students beginning instruction *on or after* October 20, 2004^{ix} in Civil Air Patrol

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aircraft^x, CAP CFIs shall engage in "flight training" in powered aircraft^{xi} only after the Certified Flight Instructor (CFI) has:

a. "[D]etermine[d] whether a flight student is a U.S. Citizen or national of the United States"^{xii} as specified in 49 CFR 1552.3(h) prior to providing flight training in powered aircraft to the student; and, if the flight student is a U.S. Citizen or national,

b. Made the following endorsement in both the instructor's logbook, or other record used by the instructor to record flight student endorsements, and the student's logbook:

I certify that [insert student's full name] has presented to me a [insert type of document presented, such as U.S. birth certificate or U.S. passport, and the relevant control or sequential number on the document, if any] establishing that [he or she] is a U.S. citizen or national in accordance with 49 CFR 1552.3(h). [Insert date and instructor's signature and CFI number.]^{xiii}

Or, if the flight student is an alien or otherwise unable to prove his/her U. S. Citizenship,

c. Ensured the flight student has registered with TSA and the instructor has filed copies of the student's documentation to the extent required by the new TSA regulation as interpreted and applied by the TSA^{xiv} or, as AOPA reports:

Flight schools or flight instructors that provide training to non-U.S. citizens for recreational, sport pilot, or private pilot certificates; multiengine ratings at any level; or instrument ratings (does not include recurrent training) must register with TSA at (<http://www.flightschoolcandidates.gov/fsindex.html>).

After notifying TSA of the student's intent to begin flight training, the student is required to supply fingerprints and a \$130 processing fee. Flight training may begin only after TSA has notified the flight school [flight instructor] and the candidate via e-mail that the agency has received the fee and fingerprints.

Immediately after the non-U.S. citizen reports for training, a digital (or digital version of a traditional) photo must be taken and provided to TSA. The photo, as well as other information about the non-U.S. citizen, must be kept by the school for 5 years^{xv}.

11. CFIs are required to comply with the new TSA regulations requirements for Security Awareness Training^{xvi} no later than January 18, 2005^{xvii} and obtain recurrent training annually in the month in the same month as when the initial Security Awareness Training was completed^{xviii}.

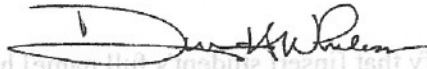
E. FURTHER ACTION

12. A fold over card is attached to assist CFI's in meeting these requirements.

13. Questions regarding interpretation and application of the new TSA regulation may be directed to TSA at the Alien Flight Student Program (AFSP) help desk by calling (703) 542-1222 or by e-mail to: afsp.help@dhs.gov.

14. Work is progress to add the requirements above to CAPR 60-1, "CAP Flight Management."

15. I will pass along further developments as they happen. Your patience and understanding in this effort is greatly appreciated.



DWIGHT H. WHELESS

Major General, CAP

Commander

cc:

TSA
CAP-USAF/CC

DISTRIBUTION

Commanders, all units, and for commanders to ensure that copies are received by

All Certified Flight Instructors

All Certified Ground Instructors

4 Attachments:

A. 49 CFR, Part 1552

B. TSA Ltr, dated October 19, 2004, Docket 19147-226

C. TSA Ltr, dated October 29, 2004, Docket 19147-324

D. Fold over compliance assistance card

ⁱ 49 CFR Part 1552, attached.

ⁱⁱ The regulation also relates to "recurrent training." Flight reviews (traditionally, "biennial flight reviews") are the only recurrent training performed in CAP aircraft. However, these are explicitly excluded from the definition of "recurrent training" by the TSA. (See TSA letter dated October 19, 2004, to Flight Schools Subject to 49 CFR part 1552, "Interpretation of Certain Definitions and Exemptions from Certain Requirements Contained in 49 CFR part 1552," Docket No. TSA-2004-19147-226. (Hereinafter, "Docket 19147-226").)

ⁱⁱⁱ TSA letter dated October 29, 2004, re: "Applicability of 49 CFR part 1552 to certain types of aircraft, Docket No. TSA-2004-19147-324" (hereinafter, "Docket 19147-324") exempts operations of airships, balloons, and gliders from the regulation.

^{iv} CAP's confirming letter dated December 6, 2004 and TSA response dated 4 Jan 05.

^v "Flight students who are enrolled in such training prior to October 20, 2004, are not subject to the regulation." (TSA letter dated October 18, 2004, to University Aviation Association, Docket No. TSA-2004-19147-207. Hereinafter, "Docket 19147-207.") See also footnote 2.

^{vi} 49 CFR 1552.3(b)

^{vii} Docket 19147-226, page 2

^{viii} 49 CFR Part 1552

^{ix} See footnote 3 above.